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evidence pointed out which plaintiff in error charges was illegally admitted over objection, under the rule the assignment of error will not be considered.

[Ed. Note.—For other cases, see 1 Va.-W. Va. Enc. Dig. 538.]

Error to Circuit Court, Lee County.

Action by W. P. Allen against the Adams Express Company. To review judgment for plaintiff, defendant brings error. Affirmed.

Coleman & Carter, of Gate City, for plaintiff in error.

J. C. Noel, of Pennington Gap, for defendant in error.

W. L. BECKER & CO. *v.* NORFOLK & W. RY. CO.

Sept. 17, 1919.

[100 S. E. 478.]

1. **Limitation of Actions (§ 46 (11)*)**—**Action for Freight Accrued to Railroad on Delivery of Car.**—A railroad's cause of action against the consignee of goods for the freight arose on the date when the railroad delivered the car to the consignee, for the purpose of initiating the running of the statute against the railroad's demand.

[Ed. Note.—For other cases, see 9 Va.-W. Va. Enc. Dig. 387.]

2. **Limitation of Actions (§ 28 (1)*)**—**Cause of Action for Freight against Consignee Barred in Three Years.**—Under Code 1904, § 2920, a railroad's cause of action for the recovery of freight from the consignee, despite provisions of the bill of lading, held barred in three years from the date when the cause of action, based on an implied or express parol promise, and not on an express promise in writing in the bill of lading, accrued.

[Ed. Note.—For other cases, see 17 Va.-W. Va. Enc. Dig. 618.]

Error to Corporation Court of Roanoke.

Action by the Norfolk & Western Railway Company against W. L. Becker & Co. To review judgment for plaintiff, defendant brings error. Reversed, and judgment entered for defendant.

Jackson & Henson, of Roanoke, for plaintiff in error.

Roy B. Smith, of Roanoke, for defendant in error.

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.